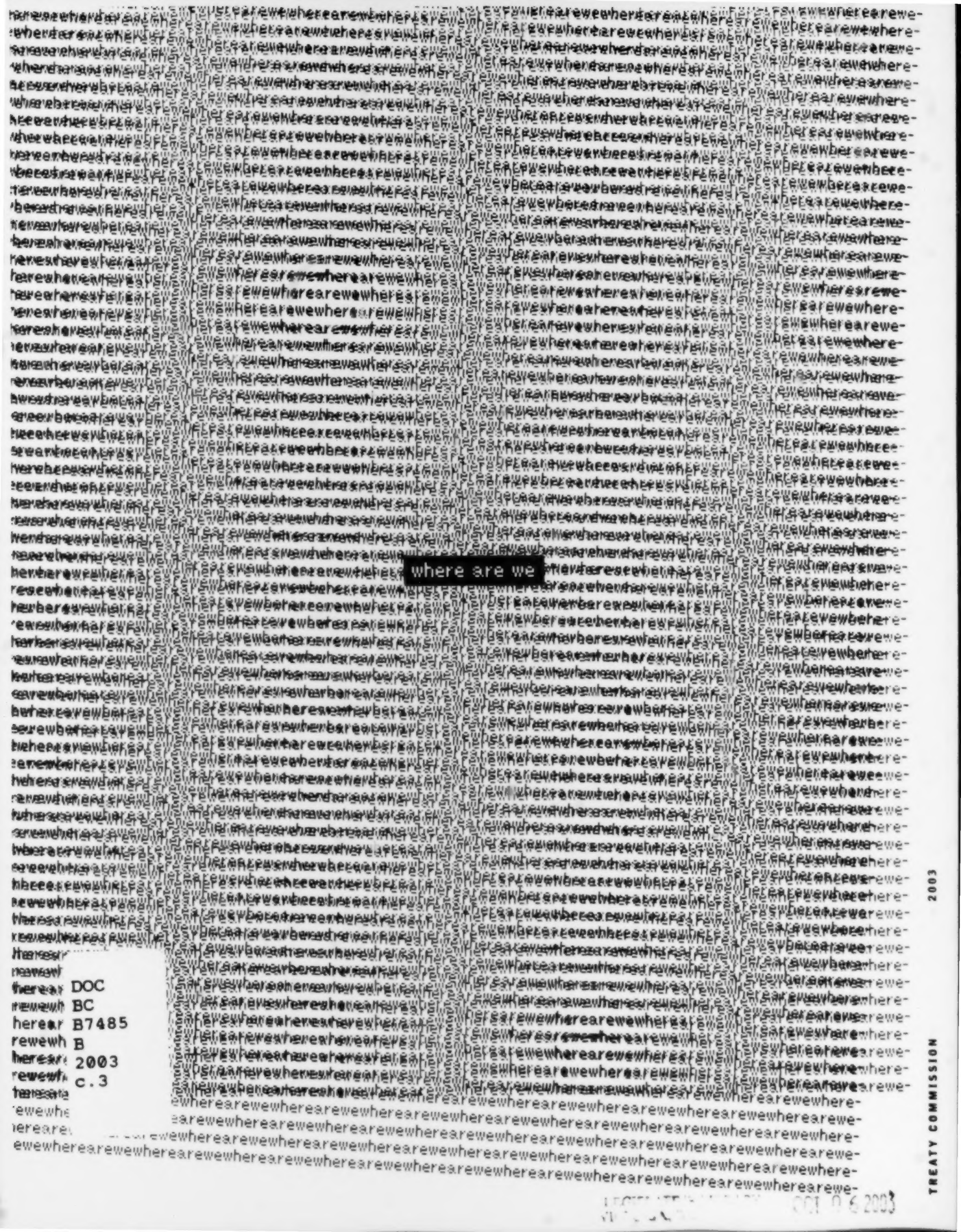

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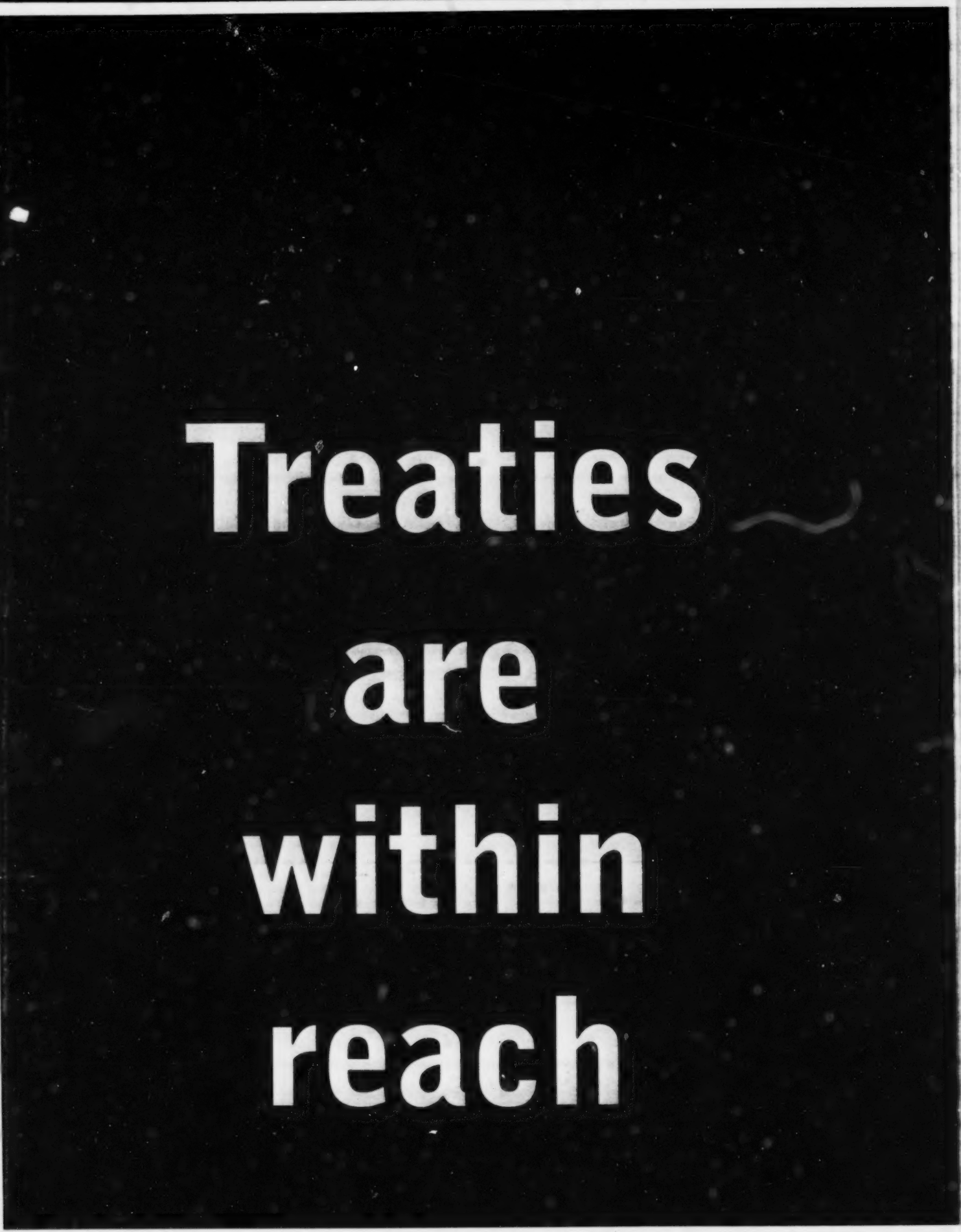
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There has been progress in reaching agreements but the parties face significant challenges ahead as several of the most difficult treaty issues remain to be negotiated.

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Letter from the Chief Commissioner

After 10 years of effort we are beginning to make real progress in reconciling the interests of the Crown and First Nations. Treaties are within reach.

Success, however, depends upon our next steps. There is progress but the parties face significant challenges as many of the most difficult issues remain to be negotiated.

We are fortunate in British Columbia to have a well-established six-stage treaty process supported by a majority of British Columbians and a majority of First Nations. The governments of Canada and British Columbia and First Nations accepted 19 recommendations in establishing this made-in-BC treaty process. The primary commitment is for the parties to establish a new relationship based on mutual trust, respect and understanding through political negotiations.

For the treaty process to succeed, the parties must adhere to their fundamental commitments, including following the agreed-to negotiation process. Flexibility and creativity are also essential if the parties are to reconcile their interests through the give-and-take of good faith negotiations.

Major impetus to negotiations has been given by two recent court decisions, which confirm the Crown's obligation to consult and accommodate First Nations' interests before proceeding with development on their traditional territories. These decisions have again underscored the importance of interim measures as a temporary means to reconcile competing interests before there is a durable reconciliation through a treaty or decision at trial.

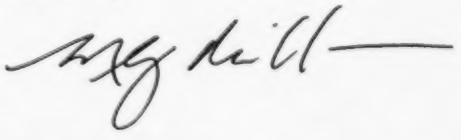
There is a need to reconcile our interests to unlock the economic potential in this province. Already, there are many examples of people working together in various regions of the province and there are plenty of opportunities to improve the social and economic future for all British Columbians. It is clear from our report on "the business case for treaties" that First Nations will play a significant role in the economic revival of British Columbia and that treaties will be a major tool for making this happen.

Aboriginals and non-aboriginals alike expect results, and so they should. We are encouraged by the results that have been achieved this year and remain positive about the opportunities for continued progress in negotiations.

My thanks are due to outgoing commissioners Peter Lusztig and Debra Hanuse for their outstanding service. I am pleased to welcome new commissioners Jody Wilson and Mike Harcourt.

The Treaty Commission is required to submit annually to the Parliament of Canada, the Legislative Assembly of British Columbia and the First Nations Summit a report on the progress of negotiations and an evaluation of the process. Our financial information has been prepared to coincide with the release of Annual Report 2003 and is submitted as a separate document.

Respectfully,



Miles G. Richardson
Chief Commissioner

Treaties are within reach

The forecast for progress in treaty negotiations is brighter than it was two years ago when the Treaty Commission released its in-depth review of the treaty process.

The review prompted high level talks in 2002 among the governments of Canada, British Columbia and First Nations on ways to make progress in treaty negotiations. However, there was little actual progress in the first eight months of the year primarily due to the BC Government's province-wide referendum on their guiding principles for treaty negotiations.

The BC Government set aside critical negotiation topics until the results of the referendum were known. Then new instructions were given to their negotiators directing them to adopt a more creative and flexible approach in negotiations.

As a result of the Treaty Commission's review and tripartite, high level talks, and following the referendum, long-awaited options were delivered to negotiators – options that shifted negotiations back to individual tables (see page 9). Negotiators were free to explore any issue important to the new relationship being sought through treaties.

One treaty table has approved an agreement in principle, four draft agreements in principle are under review and several tables have set out aggressive work plans to achieve agreements in principle in 2004.

Given these developments, the Treaty Commission remains positive about the opportunities for progress in negotiations and is optimistic that treaties are within reach.

Success, however, depends on the parties' willingness to negotiate all of the outstanding issues and, in addressing them, respect and adhere to their fundamental commitments contained in the 19 recommendations of the *BC Claims Task Force Report*.

Five agreements initialled

In July, Lheidli T'enneh First Nation and the governments of Canada and BC signed an agreement in principle at Prince George. It is the first agreement in principle signed by the current BC Government and only the second in the BC treaty process. (The other was with the Sechelt Indian Band in May 1999.) An indication of its importance was the presence of Premier Gordon Campbell and Indian Affairs Minister Robert Nault at the signing ceremony.

Maa-nulth First Nations, five member First Nations of the Nuu-chah-nulth Tribal Council, approved an agreement in principle, which was subsequently approved by the BC Government. The Treaty Commission expects it will soon be ratified by Canada. As a result of an internal agreement among the Nuu-chah-nulth, set out in a Nuu-chah-nulth Tribal Council (NTC) resolution on May 15, 2001, the Maa-nulth First Nations proceeded to negotiate the agreement in principle within the NTC Statement of Intent.

Agreements in principle for Sliammon First Nation, Snuneymuxw First Nation, and Tsawwassen First Nation are currently being considered by the individual First Nations.

Negotiators initialled the agreement for Snuneymuxw First Nation of Nanaimo in April, followed by the Maa-nulth First Nations of west-central Vancouver Island in May, Sliammon First Nation of the Sunshine Coast in June, and Tsawwassen in July.

Negotiators for the Sliammon and Nuu-chah-nulth First Nations initialled agreements in principle early in 2001, which were later rejected. In the case of the Nuu-chah-nulth Tribal Council, six First Nations voted to accept the agreement in principle and six voted to reject it.

Snuneymuxw, Tsawwassen and Lheidli T'enneh First Nations rejected earlier land and cash proposals from the governments of Canada and British Columbia in 2001. Negotiations have continued since then leading to the current recommendations from the negotiators to approve the agreements in principle.

Signs of progress are reflected in these agreements in principles, and in the emerging new approaches the Treaty Commission is observing in negotiations across the province.

We see positive developments

In November 2002, the Principals reviewed options developed in high level talks, and agreed to a number of new treaty-making tools that would provide for more effective and efficient negotiations. Key among these new options is the ability to negotiate incremental treaty agreements as a means to facilitate the phased negotiation and ratification of comprehensive treaties, and to deliver some benefits sooner.

The Principals also confirmed they would consider legislative provisions to enable the implementation of certain types of incremental agreements and at the same time not dictate the outcome of the negotiation process.

Interim measures agreements

"Interim measures agreements may affect the management and use of lands, sea, and resources and the creation of new interests. They may facilitate access to and development of resources, often a useful means of dealing in a preliminary or experimental way with a contentious issue, or provide transition to implementation of a treaty.

These interim measures agreements are not intended as substitutes for the terms of the treaty. The parties must be careful that the negotiation of these agreements does not displace the negotiations toward a treaty". BC Claims Task Force 1991

The Treaty Commission continues to work with the parties to facilitate interim measures agreements that serve as building blocks for treaties. More than 80 interim measures agreements have been signed to date.

Many interim measures are being negotiated at treaty tables but some interim measures are being negotiated separately from treaty negotiations. These agreements, including those for economic development, are important to the new relationship being sought through treaties and can provide a foundation for treaty making.

An example of an interim measures agreement negotiated at a treaty table that provides land protection and economic development is with the Yale First Nation. The agreement protects 181 hectares of land for inclusion in a potential treaty settlement. The land is important to Yale's cultural heritage, an important archaeological site and of significant economic mineral value.

One of the single biggest initiatives includes seven coastal and northern First Nations in the BC treaty process working together under the banner of Turning Point. In April 2001 these seven First Nations signed a General Protocol Agreement with the BC Government, separate from treaty negotiations, to promote First Nation's involvement in provincial land use planning processes and to help conclude interim measures agreements.

Although Turning Point initiatives are being negotiated separately from treaty negotiations, by addressing key land use issues, these initiatives may be important building blocks for treaties.

The Turning Point First Nations and the BC Government have set a target of March 31, 2004 to conclude the Central Coast Land and Resource Management Plan. The parties have also agreed to explore options for the establishment of a Coastal First Nation economic development trust fund and to identify potential funding sources.

As part of the process, BC has protected 441,256 hectares of Crown land ranging from Knight Inlet to Princess Royal Island – home of the Kermode Spirit Bear – and deferred logging on an additional 533,838 hectares. At 4.8 million hectares the Central Coast management area is about one and a half times larger than Vancouver Island. First Nations comprise more than half the population in this area.

The Council of the Haida Nation and the BC Government have signed a framework agreement, arising from the Turning Point General Protocol, to manage land-use planning on Haida Gwaii (Queen Charlotte Islands). One area on Haida Gwaii – Duu Guusd – has already been set aside under the Forest Act to protect it from logging during the planning process.

Duty to consult and accommodate

In its Speech from the Throne earlier this year the BC Government acknowledged the Crown has a duty to consult and accommodate First Nations where their rights may be affected. That announcement came on the heels of two landmark rulings in the BC Court of Appeal that confirm the BC government must properly consult with and accommodate the interests of First Nations before proceeding with development on their traditional territories.

The courts made it clear that interim approaches, either through the courts or negotiated agreements, can temporarily reconcile competing interests until there is a final reconciliation through a treaty or a decision at trial.

Options for revenue sharing

Promising too is the precedent-setting budget statement from the BC Government on sharing revenues from resources with First Nations before treaties are concluded. There is $95 million for revenue sharing with First Nations – $15 million this year, $30 million next year and $50 million the following year.

Revenue sharing is also being considered by the BC Government as one way to address their duty to consult and accommodate First Nations. An interim agreement with the Gitxsan will provide a non-replaceable forest licence of up to 1.2 million cubic metres of timber over seven years and sharing of up to $2.6 million in annual forestry revenues. The outcome of this agreement remains uncertain, as it does not have the support of all house groups within the First Nation.

This agreement was prompted by the court decision ordering the BC Government to re-consult and accommodate First Nations over the transfer of the Skeena Cellulose Inc. forest licences to the owners of New Skeena Forest Products Inc.

Task group struck on fish

For many First Nations the fishery is a major issue in treaty negotiations. A task group was recently struck by the governments of Canada and BC to explore fishery arrangements that bring greater certainty for all fishery participants in a post treaty era. First Nations are not represented on this task group.

Federal Fisheries and Oceans Minister Robert Thibault said the task group would provide expert, independent advice on how to ensure an integrated, economically viable marine fisheries sector in BC consistent with treaties.

Minister Responsible for Treaty Negotiations Geoff Plant said the goal is to work cooperatively to achieve greater certainty for fisheries arrangements in a way that supports treaty settlements and creates new economic opportunities.

The two-member task group includes federal appointee Donald McRae, a law professor at the University of Ottawa and BC Government appointee Peter Pearse, professor emeritus at the University of British Columbia.

The First Nations Summit believes the establishment of a bilateral, federal-provincial task group is fundamentally inconsistent with the tripartite nature of the BC treaty negotiation process and the objective of establishing a new relationship among the parties.

The Treaty Commission agrees that First Nations must have a say in any fish discussions and urges the task force to fully engage First Nations at its earliest opportunity. As well, the governments of Canada and BC must establish negotiating forums to address fish issues, including allocation, management and conservation, on three levels: province-wide, regional and at individual table negotiations.

A word of caution

The draft agreements in principle leave a number of essential issues to be negotiated.

Issues to conclude a treaty

The draft agreements in principle leave a number of essential issues to be negotiated.

While these agreements in principle do provide a degree of clarity over future treaty settlement land and resources, and a cash amount, negotiators have not resolved the issues of governance, certainty, compensation, cooperative management and revenue sharing.

The parties' success in addressing these issues, once an agreement in principle has been reached, will determine how much time it takes to conclude a treaty. Negotiators are suggesting it may take anywhere from 18 months to three years, after an agreement in principle is ratified, to conclude a treaty.

The Treaty Commission will continue to work with the Principals to find ways to remove obstacles to agreement and conclude negotiations.

Governance

The law-making powers of First Nations and how these will interface with federal and provincial powers are a major subject of negotiations. Currently, several tables are focusing their attention on finding agreement on the powers that will be included in a treaty and those that will be outside the treaty in a governance agreement.

Canada supports negotiation of a wide range of First Nation law-making powers within a treaty, as in the Nisga'a Final Agreement. The BC Government also wishes to negotiate the full range of practical governance authorities that are necessary for First Nations to manage their affairs. However, BC anticipates that these authorities will be delivered through a combination of authorities set out in a final agreement and in a governance agreement outside the treaty.

Following the province-wide referendum, the BC Government has said it prefers to negotiate the following First Nation authorities within treaties: management of First Nation lands, resources and assets; preservation of First Nation cultural identity; and those authorities necessary for the internal operation of a First Nation government.

First Nations are concerned that their governance authorities will not enjoy contitutional protection if they are outside the treaty. As negotiations proceed, many First Nations will be carefully examining what authorities they see as fundamentally required in a final agreement.

Treaty rights are constitutionally protected and cannot be changed except by agreement, whereas governance agreements have proposed safeguards – orderly amendment and dispute resolution – for First Nation authorities that are delegated by the governments of Canada or BC and could conceivably be changed without First Nation consent.

Now that negotiators at treaty tables are able to pursue incremental arrangements it is likely that some parties may consider incremental governance agreements as an important step in the negotiation and ratification of final treaty agreements.

Consistent with the Government of Canada's mandate to use incremental agreements in the BC treaty process, and to develop legislative provisions for their implementation, is the introduction in Parliament of *Bill C-7, The First Nations Governance Act*.

The Treaty Commission views *Bill C-7* as an initiative that could support and promote good governance provided there is a proper exemption from all or part of *Bill C-7* where there are alternate self government negotiations.

Certainty

Certainty in a treaty means ownership and jurisdiction including the rights, responsibilities and authorities of all parties are clear and predictable. The process for reviewing and amending the treaty must also be fair and predictable.

The challenge is to achieve certainty without extinguishing aboriginal rights.

In the past, the Crown has required First Nations to 'cede, release and surrender' their aboriginal rights in exchange for treaty rights. This is referred to as the 'extinguishment model'. First Nations in the BC treaty process reject this approach because they see it as giving up any rights that may not be included in a treaty.

The governments of Canada and BC have stated that blanket extinguishment of aboriginal rights is not an option.

In order to find a mutually acceptable way to achieve certainty a great amount of time and expertise was spent in the Nisga'a negotiations to develop what has been referred to as the 'modification model'. The modification approach provides that the aboriginal rights of the First Nation, as modified, are those set out in a treaty.

However, in the Nisga'a case, the governments of Canada and BC took the view that a higher degree of certainty is needed over land-based rights and therefore required the First Nation to agree to a 'fallback release' of these rights. (The release is intended to provide legal protection in the event the purpose of the modification is not achieved for a specific right set out in a final agreement or if the modification proves unenforceable.)

As First Nations find the release requirement repugnant, Canada and BC have agreed to continue to work with the other parties to identify an acceptable certainty technique. This includes examination of an orderly process for the addition of rights not included in a final agreement.

As noted earlier, the BC Government has proposed that many governance-related rights be set out in a governance agreement outside the treaty. BC has further proposed a different certainty technique in respect of these rights: the First Nation agrees not to assert any governance-related right other than those exhaustively set out in the governance agreement. This is generally referred to as the 'non-assertion model'.

Although there has been progress, much work is still required by treaty tables to close the gap in vision on this issue.

Compensation

The BC Claims Task Force Report states that negotiations are expected to include discussion of a financial component to recognize past use by other parties of First Nation land and resources and the impact of this on First Nations' ongoing interests, and to provide capital for community and economic development. The financial component could take different forms, such as cash payments, resource revenue sharing or other means.

Compensation has been an obstacle to progress at some tables including the Musqueam negotiations. Despite agreement from the governments of Canada and BC that negotiators are free to explore compensation, their approach in negotiations had prevented completion of a framework agreement for the Musqueam and, in the Treaty Commission's view, unnecessarily delayed their substantive negotiations.

Although a directive in November 2002 gave negotiators the green light to explore the issue of compensation, it is only recently that any progress has been made with facilitation from the Treaty Commission.

Indian and Northern Affairs Minister Robert Nault, in a letter to Musqueam in July 2003, reaffirmed his support for "individual treaty negotiation tables to explore the issue of compensation" as earlier agreed by the Principals in Ottawa in November 2002. In the minister's opinion, the recommendation permits individual negotiation tables, where they so choose, to agree to explore the issue of compensation without it becoming a substantive topic for negotiation.

However, his government's "willingness to engage in discussions should not be construed as signalling that Canada is now prepared to negotiate compensation on a legal or financial liability or accountability basis."

Nault said, "I understand the importance of this issue for First Nations and that without efforts to reconcile the past in a substantive and meaningful way, we are unlikely to make progress at a number of treaty negotiations."

Cooperative management and revenue sharing

Cooperative management and revenue sharing are ways First Nations can maintain an attachment to their traditional territories. Revenues from resources can provide an important tool for building First Nations' self-sufficiency and can enable them to benefit from development activities within their traditional territories. Resource revenue is also one possible way to resolve the issue of financial compensation.

The Turning Point General Protocol, referred to earlier, lays the groundwork for treaty making through land use planning and land use initiatives involving the BC Government and First Nations. The Treaty Commission believes that coordinated land use planning and development, where each government can exercise its authority and extract benefits, will bring the parties closer to sustainable socio-economic developments that will benefit all British Columbians.

How these co-operative management agreements will be given effect in treaties is still to be negotiated.

Land status

Another point of contention in treaty negotiations is whether treaty settlement land, which would include land formerly held in reserves, will fall under federal, provincial or First Nation jurisdiction or some combination of all three jurisdictions.

At many tables, the issue has been pared down to negotiating the scope of jurisdiction and determining which federal, provincial or First Nation laws will be paramount.

Where treaties are reached, the *Indian Act* will no longer cover treaty settlement lands.

Observations

In order to resolve the tough, outstanding issues in negotiations, the parties will have to harness a high degree of political will, commitment and resources.

Leadership is needed from all parties to find solutions on these major unresolved issues. The Treaty Commission has taken note of Minister Nault's comments in 2002 that "Although tough issues might still be on the table, we must focus on potential breakthroughs, not failure. We must focus on breakthroughs that build a sense of optimism in the process."

Once negotiators initial an agreement in principle, their First Nation leaders must be willing to support the agreement among their people. It is not sufficient to leave the people to decide, without the benefit of further information and discussion, given that they were not a party to the give-and-take of negotiations that led to the draft agreement in principle. As well, the Treaty Commission sees as critically important information sharing among First Nations to inform negotiations.

The Government of Canada is committing sufficient resources and leadership both in negotiations where the immediate goal is a comprehensive treaty and in negotiations where there is a desire for incremental agreements.

The BC Government is concentrating its scarce resources where there is a likelihood of agreements. A handful of negotiations have been the main focus of BC's attention for much of 2003. In many cases, progress in these negotiations has been at the expense of slower moving negotiations. BC has assigned chief negotiators to only 15 of 42 sets of negotiations.

The Treaty Commission is also concerned that BC is not actively involved in negotiations at the Northern Regional Negotiation Table, with the Acho Dene Koe First Nation, or with Kaska Nation members Liard First Nation and Ross River Dena Council while it reviews its mandate for trans-boundary negotiations.

The BC Government's position does not fulfill the principle that negotiating teams be sufficiently funded to meet the requirements of negotiations and that the governments of Canada and BC start negotiations as soon as First Nations are ready.

As part of its responsibility as keeper of the process, the Treaty Commission continues to meet regularly with BC to review its financial and human resources issues and to identify areas of particular concern.

Formally assessing the parties' readiness to begin treaty negotiations is a Treaty Commission responsibility. As part of its ongoing monitoring, the Treaty Commission will report on non-compliance with treaty process principles and assess the parties' readiness to negotiate at any time.

Earlier this year the Government of Canada wrote to 12 First Nations either seeking clarification of their treaty priorities or threatening to withdraw from negotiations it considered unproductive. The federal government's actions caught the Treaty Commission, the BC Government and First Nations by surprise.

The Treaty Commission immediately conveyed its views as to the seriousness of any formal unilateral disengagement from negotiations. The Treaty Commission stated that the parties must exhaust other options before resorting to disengagement. At a minimum, disengagement should not be triggered by an assessment undertaken by only one of the parties.

The Treaty Commission urged the parties to convene a meeting as soon as possible to undertake a tripartite assessment of progress and to identify options for removing obstacles.

As a result of the Treaty Commission's facilitation and efforts by the Principals and negotiators, of the 12 First Nations only two First Nations are showing no interest in actively pursuing treaty negotiations at this time – Squamish Nation and Cheslatta Carrier Nation. A third, Heiltsuk First Nation, was scheduled to hold a community vote in September to determine support for continuing negotiations. At the nine other tables, negotiations are continuing. Those First Nations are Musqueam Nation, Quatsino First Nation, Esketemc First Nation, Haisla Nation, Nazko Indian Band, Sto:Lo Nation, Klahoose Indian Band, Westbank First Nation and Carrier Sekani Tribal Council. (See Progress Reports, page 22 for more details.)

Although Canada's actions had the effect of reviving some negotiations and generating work plans at a number of tables, the Treaty Commission is disappointed in the way it was done and its potential to harm negotiations. Close monitoring by the Treaty Commission will be necessary to ensure these negotiations are on a solid footing.

In September, the BC Government made an unexpected land offer to the Haida Nation including fee simple ownership of 100,000 hectares of provincial Crown land and options on a further 100,000 hectares. (See Progress Reports page 22).

The Treaty Commission notes the BC Government's offer came prior to the table being declared ready. Therefore, it is inconsistent with the principle that negotiations start when the First Nation is ready and with the principle that these are political negotiations whose objective is to establish a new relationship based on mutual respect and understanding.

The Treaty Commission maintains the view that negotiation is preferable to litigation. While litigation can inform negotiations, at the end of the day a government-to-government relationship, with all of its complexities, must be negotiated. Relationships cannot be built in court.

The business case for treaties

Resolving the land question is critical to British Columbia's future economic prosperity. This statement has never been more valid.

Driving the economy

Until there are agreements in place with First Nations across the province investment will be curtailed.

The cost of treaty making is often a focus of attention, but it is the absence of treaties that is impacting BC's economy every day. Instead of watching these economic opportunities pass by, more and more BC businesses are forging relationships with First Nations and positioning themselves as leaders in BC's changing economic climate.

Treaties will bring certainty to land ownership and jurisdiction, a major cash injection and new investment. In order to identify and quantify the compelling economic reasons for treaty making, the Treaty Commission is undertaking two initiatives over the next several months to examine the economic case for treaties[1] – a one-day conference and a financial analysis of the benefits by a group of independent economists. There is a scarcity of good financial data comparing the net costs and benefits of treaties, which is not surprising given treaty making in BC is a relatively new development.

In 1990, Price Waterhouse calculated the cost to BC of not settling treaties to be $1 billion in lost investment and 1,500 jobs a year in the mining and forestry sectors alone.

Milton Wong, chairman of HSBC Asset Management Ltd. says, "Investors will not spend millions of dollars when there is uncertainty in this province. As treaties move ahead, there will be a positive sign to investors that their assets will be protected ... I already see a change in the psychology of the marketplace.

"Once a treaty is signed, First Nations can come into the business community on an even footing."

While the investment banker stresses the impact that treaty negotiations have on BC's investment climate – and the importance of signing treaties to create greater certainty for investors – Wong feels that BC business should really be paying attention to developing working relationships with First Nations right now.

"Every day we see more and more First Nations taking their place in BC's economy."

Forestry firm Lignum Ltd. has long recognized the benefits of developing business relationships with First Nations. Ecolink, a 50 – 50 partnership with Esketemc First Nation, was established in 1990 and now has annual revenues of $2 million.

[1] The Treaty Commission has previously provided information on the compelling historical reasons for treaty making, and the compelling legal reasons for treaty making.

" Economic development cannot operate on its own – it has to be done in partnership with treaty negotiations. You need to understand the big picture to make joint ventures."

Lana Eagle, Quatsino First Nation economic development manager

"The partnerships are very productive," said Lignum President Jake Kerr. "We bring management skills and experience in dealing in the corporate world and they bring knowledge of the community and skills in working in the forests."

RBC Financial Group Executive Vice President Charles Coffey, in a speech in 2002, said, "We're aware that many business people don't always grasp the business benefits of relations with aboriginal peoples and communities. For us, the business benefits are clear. We see a major and expanding market opportunity. The rapid increases in the aboriginal population represent new customers. Land claims represent increased economic and financial clout.

"The business reasons for building good relations with aboriginal peoples go beyond market opportunity. Aboriginal peoples are becoming a vital source of new entrants to and new skills for, the workforce. Many companies are benefiting from having long-term and reliable employees on board. And economic relationships – employment, contracting or joint ventures – are contributing to community support for resource development."

Coffey is one of a growing number of Canadian investment bankers who see the financial opportunities in aboriginal communities.

"The Nisga'a are an important part of the local economy in Terrace," says Don Bombardier in the Nisga'a annual report. The dealer and manager of Inland Kenworth says, "Without them our downtown would be in serious trouble."

The Nisga'a treaty will pump as much as $188 million[2], into the economy assuming the money is invested and spent here. The Nisga'a and their neighbours in Terrace and throughout the region are already feeling the benefits.

Eight hundred Nisga'a citizens with individual sale fishing permits shared nearly $400,000 in revenues and paid more than $160,000 to the Nisga'a Lisims Government. Five per cent of the catch is now value-added products, including premium quality, specially labeled Nisga'a wild sockeye salmon, which is processed through a joint venture with Jim Pattison's Canfisco Group. Nisga'a Fisheries employed 100 people.[3]

Forestry activities employ 30 people and contributed more than $445,000 to the Nisga'a Nation for timber harvested on Nisga'a lands as part of the transition that will see the First Nation take full control of its forest resources in 2005. New tourism ventures have been started, including Lisims Backcountry Adventures. Tourism visits to Nisga'a territory are up. The mushroom harvest was double the volume of the previous year and licensing fees are sufficient to pay for managing the resource.

[1] Grant Thornton Management Consultants 1999, Financial and Economic Analysis of Treaty Settlements in British Columbia.

[3] All Nisga'a figures are from their 2002 annual report.

The mushroom harvest adds an estimated $1.3 million to the local economy. Road construction is employing 40 people.

Treaty settlement funds proposed in the draft Snuneymuxw agreement in principle ($74.7 million) could generate significant economic opportunities and jobs for Snuneymuxw members.

The economic development potential has been described as "phenomenal." Post-treaty Snuneymuxw lands would comprise 5,090 hectares compared to the City of Nanaimo with 8,819 hectares. Future land purchases, using treaty funds, investment and tax revenues could lead to further expansion, as well as development on Snuneymuxw lands.

Snuneymuxw could become an economic power-house in the region. Taxes, leases and other revenues from development could generate as much as $1 billion within the first 50 years after the treaty comes into effect, according to an economic study commissioned by the First Nation.

The overall net benefit of treaties in British Columbia is estimated to be somewhere between $3.8 billion and $4.7 billion.[4] The estimated economic benefit of investment in BC as a result of the cash injection ranges from $7 billion to $11.6 billion. However, the authors of this study caution these numbers are based on assumptions and apply to economic conditions that have now changed.

What we do know is aboriginal ventures are growing two and a half times faster than the national increase in self-employment. Aboriginal self-employment is growing more than two times faster than aboriginal employment. The ventures touch on virtually every facet of the Canadian economy, including software design, manufacturing, tourism, the arts, engineering and management consulting. These businesses are based in large urban centres as well as rural and remote locations. Forty-six per cent of aboriginal businesses hire additional, full-time workers including non-aboriginal people.

There has been a 133 per cent growth in the number of aboriginal-owned and -operated tourism enterprises in BC during the past decade. Today, these First Nation companies make up about three per cent of all BC tourism activity. There are nearly 1,200 aboriginal people employed in the tourism industry on a full or part-time basis.[5]

In 2001, aboriginal tourism businesses in Canada generated a total of $4.9 billion in economic activity, according to Aboriginal Tourism Team Canada.

"The companies that are going to get the business are the ones that understand First Nations people," say Calvin Helin, president of the Native Investment and Trade Association.

An innovative partnership between Electra Gold Ltd. and Quatsino First Nation is perhaps a sign of the times. Electra Gold will pay Quatsino $1 for every metric tonne of production from its Apple

[4] Grant Thornton Management Consultants 1999, Financial and Economic Analysis of Treaty Settlements in British Columbia

[5] Firstbusiness.ca operated by the Canada BC Business Services Society in cooperation with the Aboriginal Business Services Network

"The Throne Speech finally acknowledged the significant role that First Nations will play in the economic revival in British Columbia in the next decade."

John Winter, president BC Chamber of Commerce, in BC Business May 2003

Bay mining lease within the First Nation's traditional territory, and provide employment training for Quatsino members. Annual production is expected to exceed 200,000 tonnes.

"We knew that a co-operative relationship with Quatsino First Nation was essential for the success of the project," said Doug Stelling, chairman and CEO.

Lana Eagle, Quatsino First Nation economic development manager, feels that a successful joint venture must work hand-in-hand with treaty negotiations.

"Economic development cannot operate on its own – it has to be done in partnership with treaty negotiations. You need to understand the big picture to make joint ventures effective."

Helin says the business community needs to wake up in BC. "Many companies don't seem to realize what a power position First Nations are in with regard to resource development."

He says it is surprising that companies will invest in cultural sensitivity training and strategies when doing business abroad, but learn nothing about doing business with First Nations. "Developing relationships with First Nations people just makes good business sense. First Nations are major stakeholders in BC."

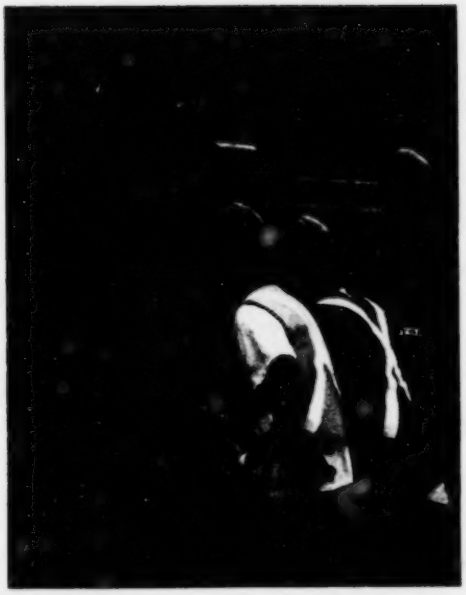
Helin looks to the Maori people of New Zealand as a good example of the kind of economic development initiatives that can be accomplished using a treaty as a jumping off point. He has been involved in developing a mix of residential, commercial, recreational and cultural facilities on Maori land with an estimated value of $2 billion.

His main concern with the BC treaty process is that First Nations may focus exclusively on treaties and not develop the kind of capacity and business relationships that are necessary for successful economic development post-treaty.

"First Nations in BC will be the stewards of huge assets post-treaty. If First Nations focus on business development today, they will be in an excellent position when treaties are concluded."

John Winter, BC Chamber of Commerce president, says, "From a business perspective the lack of treaties is slowing growth due to the uncertainty. But business people and aboriginal people are not sitting around waiting for treaties. There is a realization that there are economic opportunities and the time to take advantage of those opportunities is now. Economic activity is already happening though mostly in the rural parts of the province.

"There is a hope that treaties can happen although it is not realistic for us to think there will be treaties in the short term. We are seeing signs of progress. The recent agreements in principle augur well for the future."



Sliammon Construction workers at seawalk development

The First Nation focus on economic development is getting a helping hand from other governments. Many First Nations inside and outside the BC treaty process are benefiting from provincial and federal economic development initiatives – most notably BC's Economic Measures Fund and Canada's BC Economic Partnership Initiative.

In the February Throne Speech the BC Government pledged "to provide a new level of economic opportunity for First Nation communities and people." On top of the $40 million Economic Measures Fund is $95 million for revenue sharing with First Nations – $15 million this year, $30 million next year and $50 million the following year. More than 100 projects worth a total of $25 million have been announced to date.

Among the ventures announced in 2003 is a cruise ship port at Campbell River. The port, expected to contribute more than $2 million annually to the regional economy, is being developed by the Campbell River Indian Band. The provincial government is contributing $100,000 and the federal government $200,000 to expand and upgrade an existing dock on the band's reserve. There is money, too, to attract more cruise ships into Prince Rupert and improve tourism opportunities for the Tsimshian with $170,000 from the provincial government and $150,000 from federal government. Huu-ay-aht First Nation plans to revitalize commercial production of pinto abalone near Bamfield with funding of $530,000 from BC.

Ditidaht First Nation and Pacheedaht Band are pursuing forestry opportunities on Vancouver Island's central west coast with $280,000 from BC, and Esketemc First Nation in the Interior is pursuing forestry opportunities with funding of $340,000.

New relationships among First Nations and neighbouring municipalities also promise to bring economic opportunities and community improvements. One notable example is a sea walk project that is laying the foundation for future cooperation between the municipality of Powell River and the Sliammon First Nation. The $2.3 million sea walk project, initiated by the municipality, will now reflect Sliammon culture with monuments and totems along its route.

Sliammon Chief Harry Maynard said it is a good vehicle for economic development and has initiated a very positive working relationship between Sliammon and Powell River. It has led to a community accord being signed between the neighbours to work together on other initiatives.

"We've learned it's possible for corporate Canada to create wealth with aboriginal peoples and for aboriginal peoples."

Charlie Coffey, Executive Vice President, Government and Community Affairs, RBC Financial Group, from a speech in March 2002

Seven First Nations of the North Coast and the provincial government have agreed to a timetable for discussions on land use planning in their region.

Art Sterritt, Turning Point Initiative Society executive director said, "This is an important milestone in the sense that it is yet another step towards our participation in the coastal economy and one that will result in certainty for us as well as government.

"We understand the importance of showing concrete progress to our community members. So we've agreed to a number of specific economic development projects and associated funding for implementation."

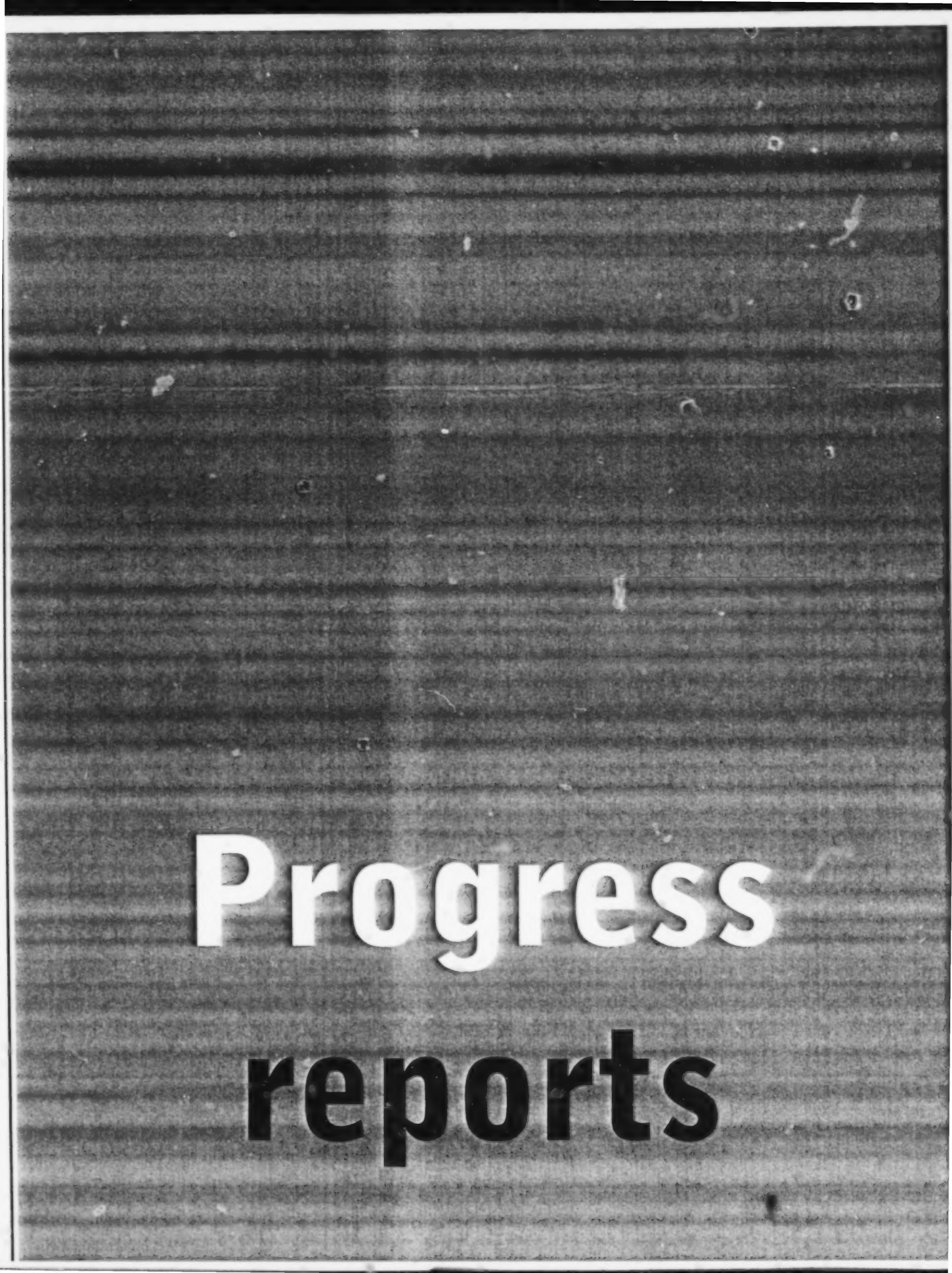
The society brings First Nations together in a united front on conservation and sustainable economic development. The primary focus is on forestry, fisheries and tourism. Shellfish aquaculture, in particular, holds a great deal of promise as the First Nation communities already have some of the necessary infrastructure including vessels and processing plants.

"Our goal is to make a positive difference in people's lives by creating a better coastal economy and we're steadily moving in that direction," said Sterritt.

All of these economic initiatives contribute to building the new relationship being sought through treaties and all help to lay the foundation for good governance and sustainable communities. Treaties will bring certainty to land ownership, a huge cash injection, new investment and a cooperative approach to government-to-government relationships.

Land and cash transfers to First Nations, everyone agrees, will be important economic drivers in the future. And it is clear from all of the economic activity taking place that First Nations are beginning to take their rightful place in the mainstream economy. First Nations are seizing economic opportunities, many new businesses are taking root and new opportunities are being explored.

Kitasoo members building longlines for shellfish aquaculture (photo by Tammy Norgard)


Progress
reports

Status of each negotiation

Acho Dene Koe First Nation
Acho Dene Koe entered the treaty process in November 2000 and is now in Stage 2, preparing to begin negotiations. However, the BC Government has not been prepared to commit to negotiations – as the First Nation has interests in both BC and the Yukon – and is still reviewing its mandate regarding transboundary negotiations. Acho Dene Koe, with approximately 550 members, is located in Fort Liard, Northwest Territories, which is 25 km north of the BC – Northwest Territories border.

Cariboo Tribal Council
The Cariboo Tribal Council (CTC) table continues to meet regularly, focusing on finalizing chapters on culture and heritage, and fish. Wildlife, lands and resource management as well as tourism development, health and education continue to be key interests for the four CTC communities. The table is developing a tripartite work plan with the goal of making significant progress toward completing an agreement in principle, including negotiations on lands, governance and resources.

As part of a treaty-related measure (TRM), CTC continues to be actively involved in land use planning processes within its traditional territory. The First Nation is also engaged in developing a plan for their internal governance structure, which will inform governance negotiations.

The First Nation has spent considerable time developing relationships with its neighbours, including organizing four regional visioning forums this year (see Regional Visioning Project Page 43). Also known as the Northern Secwepemc te Qelmucw, CTC comprises four member communities located around the Williams Lake area: Williams Lake Band, Soda Creek Band (Xatsu'll First Nation), Canoe Creek Band and Canim Lake Band (Tsqescen). The First Nation has approximately 1,940 members.

Carrier Sekani Tribal Council
Agreement-in-principle negotiations at the Carrier Sekani Tribal Council (CSTC) table did not show any progress during most of 2002, as the First Nation was focused on forestry issues away from the treaty table. CSTC received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

In December 2002, CSTC advised the Treaty Commission that it wished to re-invigorate its negotiations and adopt a more comprehensive focus. Accordingly, the Treaty Commission has been working with CSTC, Canada and British Columbia in an effort to establish a renewed approach to negotiations.

Carrier Sekani Tribal Council, northwest of Prince George, represents eight communities: Wet'suwet'en First Nation, Burns Lake Band, Nadleh Whut'en Band, Nak'azdli Band, Saik'uz (Stoney Creek) First Nation, Stellat'en First Nation, Takla Lake First Nation, and Tl'azt'en Nation. The combined membership of the council is approximately 5,400.

Cheslatta Carrier Nation
The parties at the Cheslatta table have not engaged in tripartite negotiations since 1997, but have requested a meeting with the Treaty Commission to discuss the treaty process.

Cheslatta received a letter from Canada in January 2003 expressing concern about lack of progress

and seeking confirmation of the First Nation's treaty priorities. The First Nation has been occupied with activities outside of the treaty process, including a joint venture among Cheslatta Forest Products, Carrier Lumber Ltd. and Ootsa Resources.

A First Nation with approximately 270 members, Cheslatta traditionally occupied and used the land and water around the Ootsa and Eutsuk lakes and surrounding areas.

In September, the BC Government made an unexpected land offer to the Haida Nation including fee simple ownership of 100,000 hectares of provincial Crown land and options on a further 100,000 hectares that may include Crown land tenures, protected-area status, and co-management and/or revenue-sharing arrangements. The offer is designed to encourage the Haida to return to the treaty table. The Haida leadership has rejected the offer.

The Haida won a far-reaching Court of Appeal decision in February 2002, which clarified that the Crown (provincial government) and Weyerhaeuser Company have a legally enforceable duty to consult with the Haida and to accommodate Haida interests in their traditional territory. BC's appeal of that decision is expected to be argued before the Supreme Court of Canada later this year. Following the Court of Appeal decision, the Haida Nation filed a lawsuit in the Supreme Court of British Columbia asserting land title to the islands of Haida Gwaii and title to the surrounding waters.

While tripartite negotiations have not begun with the Haida Nation, important progress has been made in land use planning. In April 2001 the Council of the Haida Nation joined six other coastal First Nations to sign the Turning Point Protocol Agreement, which commits First Nations and the provincial government to cooperate on land use planning and the implementation of interim agreements for the north and central coast. The Haida Gwaii Land Use Plan is now underway, focusing on options for timber transfer and access, joint ventures between Haida and existing forest companies and sustainable ecosystem planning.

The traditional territory of the Haida people is Haida Gwaii – also known as the Queen Charlotte Islands. The First Nation has approximately 3,700 members and includes Old Massett Village Council and Skidegate Band Council.

Since late 2002, the parties have been engaged in negotiations to determine whether there is a basis for achieving an agreement in principle in the current fiscal year. The Treaty Commission has actively facilitated these negotiations, as required.

The two First Nations have also finalized a treaty-related measure (TRM) to facilitate their continued participation in the Ditidaht-Pacheedaht Resource Planning Working Group. The main focus of this TRM is forest-resource planning, but there is also the potential to explore opportunities in other resource areas.

Ditidaht/Pacheedaht, along with eight other Nuu-chah-nulth First Nations, have recently served a writ on Canada and BC seeking recognition of an aboriginal right to fish commercially. At the time of writing, Canada and BC were reviewing the implications of this situation for future negotiations.

Ditidaht First Nation has been negotiating at a common treaty table with Pacheedaht Band since August 1997. Ditidaht, based at Nitinaht Lake, has

approximately 630 members; Pacheedaht, based in Port Renfrew, has approximately 250 members. The First Nations' traditional territories span the southwest corner of Vancouver Island.

The Esketemc table met infrequently over the past year to discuss a land use and economic development proposal, as well as governance and social development and justice initiatives.

Esketemc received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

A First Nation with approximately 700 members, Esketemc traditionally occupied and used the Alkali Lake area, which is southwest of Williams Lake.

Throughout 2002 and 2003, Gitanyow, Canada, and British Columbia have been working aggressively to conclude an agreement in principle. The table has substantially completed several agreement-in-principle chapters and is now focusing on the major outstanding topics that will pull the agreement in principle together. Gitanyow has also initialled a governance framework, which describes how traditional, hereditary governance systems will be integrated with a modern governance system.

However, in monitoring the negotiations to date, the Treaty Commission expects this final period of negotiations to be difficult, as the gap in visions among the parties on the outstanding topics is significant. Gitanyow's legal challenge to the Nisga'a Final Agreement may also affect negotiations as the abeyance agreement signed earlier by Gitanyow has not been renewed.

Gitanyow's traditional territory spans the middle reaches of the Nass River. The First Nation has approximately 680 members.

Negotiations at the Gitxsan table have been stable since the re-engagement of the parties in March 2001. In December 2002, Gitxsan, Canada, and British Columbia reached substantial agreement on the Language and Heritage chapter of the Gitxsan agreement in principle.

Gitxsan has been focusing on matters away from the table, which will, nonetheless, support treaty making. Initiatives include discussions with BC resulting from the Skeena Cellulose Inc. transfer to New Skeena Forest Products Inc., and work to establish sustainable development plans for the nine watersheds that fall within the Gitxsan traditional territory. Gitxsan and the BC Government have signed a framework agreement committing the two parties to negotiate a short-term forestry agreement for a non-replaceable forest licence of up to 1.2 million cubic metres over seven years and sharing of up to $2.6 million in annual forestry revenues. The timber for the forest licence would come from unlogged timber from New Skeena forest licences in the Kispiox Timber Supply Area.

Also, Gitxsan, as a member of the Northwest Tribal Treaty Group, is working with the North Central Municipal Association to collaborate on sustainable economic development for northern British Columbia.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass Rivers. The First Nation includes Gitanmaax Band Council, Gitwangak Band Council, Kispiox Band Council, Gitsegukla Indian Band and Glen Vowell Indian Band and approximately 5,600 members.

Haisla Nation

Following discussion among the parties and the Treaty Commission, tripartite agreement-in-principle negotiations were set to resume in September after a pause of more than two years. BC has not provided a negotiator to this table since March, but now several tripartite meetings are planned.

Haisla received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

The First Nation has approximately 1,450 members, with traditional territory around the Kitimat area and the North Coast.

Heiltsuk Nation

The Heiltsuk Nation took a time out from tripartite negotiations in May 2001 to review its mandate to negotiate an agreement in principle. The Heiltsuk further extended this time out to assess the outcome of the province's referendum on treaty negotiations and the period of activity following the Treaty Commission's review of the treaty process in 2001. The community vote on whether to resume negotiations was scheduled for September 17, 2003.

Heiltsuk received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

The First Nation is a participant, along six other First Nations in the Turning Point Protocol Agreement, which commits First Nations and the provincial government to cooperate on land use planning and implementation of interim agreements for the north and central coast. As part of the Turning Point agreement, Heiltsuk endorsed the Central Coast land use plan, which protects 600,000 hectares of land ranging from Knight Inlet to Princess Royal Island – home of the Kermode "spirit" bear. Heiltsuk also received funding for forestry business development.

Heiltsuk's traditional territory spans the Central Coast. The First Nation, based on Campbell Island, has approximately 2,070 members.

Homalco Indian Band

Homalco negotiations continued at a moderate pace this year, despite personnel changes to all three negotiating teams. The parties toured Homalco's traditional territory in July and continued negotiations on culture and heritage, and fish. The tripartite work plan also calls for the negotiation of environmental assessment and protection as well as procedural chapters.

Homalco has approximately 430 members with traditional territory ranging from Campbell River and Bute Inlet watershed to Chilko Lake.

Hul'qumi'num Treaty Group

The Hul'qumi'num table continued to meet at an intense pace this year, making significant progress on topics such as parks and protected areas, culture and heritage, and governance. The First Nation is also completing a governance initiative, which will inform further governance negotiations. Negotiations are expected to continue at the current pace, with the goal of reaching an agreement in principle in 2004.

Hul'qumi'num Treaty Group represents approximately 5,750 people and six communities: Chemainus, Cowichan Tribes, Halalt, Lake Cowichan, Lyackson and Penelakut. The First Nation's traditional territory encompasses the area around Duncan, north to

Ladysmith, east to the Gulf Islands, the lower Fraser River and west to Cowichan Lake.

Hupacasath First Nation

Over the past year, Hupacasath focused on economic development projects in the Alberni Valley, such as a joint venture granite mining operation and canoe tours.

The First Nation, along with nine other Nuu-chah-nulth First Nations recently served a writ on Canada and BC seeking recognition of an aboriginal right to fish commercially. At the time of writing, Canada and BC were reviewing the implications of this situation for future negotiations.

Hupacasath is a member of the Nuu-chah-nulth Tribal Council, and previously had been negotiating as part of the tribal council. Located in Port Alberni, Hupacasath has approximately 220 members.

In-SHUCK-ch Council

In April 2002, In-SHUCK-ch member First Nations Douglas, Skatin and Samahquam re-entered the BC treaty process and resumed negotiations as the In-SHUCK-ch Council.

The In-SHUCK-ch Council initially entered the treaty process in March 1995 and was later joined by the N'Quat'qua Band. Following the joint land and cash offer made by Canada and British Columbia in October 1999, N'Quat'qua withdrew from negotiations.

The In-SHUCK-ch Council has moved quickly through Stages 2 and 3. The parties, now in stage 4 agreement-in-principle negotiations, are re-examining the substantially complete chapters negotiated with the In-SHUCK-ch/N'Quat'qua, and are starting to share interests on land selection, resources and governance.

The In-SHUCK-ch Council traditionally occupied and used the land south of the Lillooet area and has approximately 840 members.

Kaska Nation

The Kaska table continued to make progress on interim measures agreement negotiations for a substantial part of the year, particularly in the area of land use planning. However, tripartite negotiations were stalled due to the suspension of negotiations by Canada because of ongoing litigation by the Kaska Nation. The parties are attempting to get an abeyance agreement in place so that treaty negotiations can resume.

In December 2000, Kaska signed an agreement with Canada and BC, which provides funding for Kaska to develop joint ventures with local forestry companies and to explore training and job shadowing opportunities. In addition, Kaska has been working with the Ministry of Forests on forest management and planning in Kaska's traditional territory.

The Kaska Dena Council, Liard First Nation and Ross River Dena Council are negotiating together at the Kaska Nation table. Kaska Nation is a transboundary negotiation table, with traditional territory ranging from north central BC to the Yukon and Northwest Territories. The First Nation has a combined membership of approximately 2,000.

Katzie First Nation

Agreement-in-principle negotiations at the Katzie table are progressing at a moderate, but steady pace. Interest papers have been exchanged on wildlife, parks and protected areas, culture and heritage, and environmental management, and the parties are now developing joint principles in these areas.

The First Nation has also used interim measures funding to develop their governance capacity, and determine forestry and tourism opportunities.

Katzie has been active in developing relationships with its neighbouring municipalities through its intergovernmental working group and a community relations working group. A two-day regional visioning forum was held earlier this year (see Regional Visioning Project Page 43). A First Nation with approximately 460 members, Katzie traditionally occupied and used the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.

Klahoose Indian Band

Klahoose received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

The parties recently agreed to a renewed approach to treaty negotiations that will see Klahoose engaged in a detailed process to seek the views of their membership on a treaty vision. This initiative will require considerable effort as the majority of the Klahoose members live outside the traditional territory. In January of 2004, the parties expect to use this information as a basis for accelerated agreement-in-principle negotiations.

Klahoose has approximately 290 members with traditional territory around Sechelt.

Ktunaxa/Kinbasket Treaty Council

During the past year the Ktunaxa/Kinbasket Treaty Council (KKTC) table has continued to make steady and significant progress. KKTC secured two economic/interim measures agreements, which are intended to complement and support treaty negotiations. The agreements will assist KKTC in involving more of their people in forestry, tourism and other economic opportunities as well as land-use planning and management.

At the same time, negotiations on forestry, parks and protected areas, water, wildlife and fisheries have progressed, with some draft chapters nearing completion. The parties intend to step up negotiations over the next year and are resuming discussions on governance and, culture and heritage.

The Ktunaxa/Kinbasket Treaty Council has approximately 1,150 members and includes Columbia Lake Band, Lower Kootenay Band, Shuswap Indian Band, St. Mary's Indian Band and Tobacco Plains Band. The territory of the Ktunaxa/Kinbasket people extends from Columbia River south to Missoula, Montana, west to Bonner's Ferry, Idaho, north to the Upper Arrow Lakes area of British Columbia and east to the Rocky Mountains.

Lake Babine Nation

Lake Babine has focused primarily on treaty information events in the Lake Babine communities in recent months. The Treaty Commission was involved in preparing and holding the tripartite community sessions, which were well attended. Following a community visioning exercise, Lake Babine Nation has prepared a series of interest papers for presentation at the table. The table is also working on updating its procedural guidelines and determining priority areas of interest. Lake Babine, a First Nation with approximately 2,000 members, traditionally occupied and used the land and water around Lake Babine.

Laich-Kwil-Tach K'omoks Tlowitsis Council of Chiefs (Hamatla Treaty Society)
Agreement-in-principle negotiations at the Hamatla table continue to progress steadily. Negotiators intend to pursue intense negotiations toward an agreement in principle by the end of 2004. Topics discussed this year include culture and heritage, fish, forestry, lands, governance and procedural chapters. As part of treaty-related measures funding, Hamatla concluded a study on aquaculture opportunities and is completing a governance initiative.

The parties held a "leaders dinner" in the spring, with the purpose of maintaining and enhancing relationships with local and regional governments and the business community.

The Council of Chiefs includes five communities with a combined membership of approximately 2,060: K'omoks, Kwiakah, Tlowitsis, Wei Wai Kai and Wei Wai Kum. The First Nation traditionally occupied and used the land around the Campbell River-Courtenay-Comox region, including part of Knight Inlet, Call Inlet, Loughborough Inlet and the west half of Bear Inlet, the Homothko River, Southgate River, the Toba River and the west portion of Toba Inlet.

Lheidli T'enneh Band
Lheidli T'enneh, Canada and British Columbia signed an agreement in principle on July 26, 2003 in Prince George, effectively moving negotiations to the fifth stage. Included in the agreement is 4,027 hectares of land, $12.8 million and rights to wildlife, fish and forest resources. Canada and Lheidli T'enneh will enter into a harvest agreement for Fraser River sockeye salmon, which will be negotiated outside the treaty and specify an average of 7,500 fish per year. A separate Lheidli T'enneh governance agreement will be negotiated between the agreement in principle and final agreement, and may address matters such as education, child and family services, solemnization of marriage and emergency preparedness on treaty lands.

Lheidli T'enneh, the City of Prince George and the Fraser-Fort George Regional District have worked together for several years to build a relationship that will carry through to a post-treaty world. The Lheidli T'enneh, "people from where the rivers flow together," traditionally used and occupied the land and water around Prince George, including the Nechacko and Fraser River area to the Alberta border. The site of present day Prince George was one of the villages that Lheidli T'enneh people occupied for parts of the year. Today, the First Nation has approximately 300 members and 685 hectares of reserve land just outside of Prince George.

Musqueam Nation
The Treaty Commission facilitated several meetings among the parties at the Musqueam table to explore options for resuming negotiations, which had been stalled over the issue of compensation. The table appears poised to finally resolve the issue following a Band Council Resolution to approve the Framework Agreement. The agreement is still to be ratified by the Musqueam people.

Musqueam received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

The First Nation has approximately 1,080 members, with traditional territory spanning the Greater Vancouver area.

Nazko Indian Band

The Nazko treaty table held two tripartite community information events in the spring as well as two land tours. The Treaty Commission assisted in preparing and holding the community information events. An ambitious tripartite work plan has been developed, with access as one of the first topics to be discussed at regular monthly meetings.

Nazko received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

Nazko's traditional territory is northwest of Quesnel and southwest of Prince George. The First Nation has approximately 290 members.

Northern Regional Negotiation Table

The Northern Regional Negotiation Table (NRN) continued to meet infrequently before stalling this spring when BC announced that it would be reassessing its mandate for transboundary negotiations. BC is expected to comment on whether or how it will continue negotiations at the NRN table this fall.

In the meantime, NRN First Nations have been carrying out a land use study using treaty-related measures funding. The Champagne and Aishihik First Nations, Carcross/Tagish First Nation, Taku River Tlinigt First Nation and Teslin Tlingit Council are negotiating together at the Northern Regional Negotiations table and represent approximately 2,160 members. The four First Nations traditionally occupied and used the land and water around the southwestern part of the Yukon Territory and the northwestern corner of BC.

Nuu-chah-nulth Tribal Council

In March 2001, Nuu-chah-nulth initialled an agreement in principle that included 55,000 hectares of land and $243 million. When Nuu-chah-nulth took the initialled agreement back to its communities for ratification in April 2001, six of the 12 Nuu-chah-nulth member First Nations voted in favour of the agreement and six voted to reject the agreement.

Maa-nulth First Nations, five member First Nations of the Nuu-chah-nulth Tribal Council, initialled an agreement in principle in May 2003. The draft agreement includes approximately 20,900 hectares of land, in addition to reserve land totalling 2,105 hectares, on the west coast of Vancouver Island, self-government provisions and $62.5 million. Maa-nulth First Nations, made up of Ucluelet, Huu-ay-aht, Toquaht, Ka:'yu:'k't'h'/Che:k'tles7et'h' and Uchucklesaht First Nations, represent about 2,000 of the 7,500 members of Nuu-chah-nulth Tribal Council.

The other member First Nations of the Nuu-chah-nulth Tribal Council – Ahousat, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht, Tseshaht and Tla-o-qui-aht are engaged in agreement-in-principle negotiations at a separate treaty table.

Ahousat, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht, Tseshaht and Tla-o-qui-aht, along with Ditidaht, Hupacasath and Pacheedaht recently served a writ on Canada and BC seeking recognition of an aboriginal right to fish commercially. At the time of writing, Canada and BC were reviewing the implications of this situation for future negotiations. Nuu-chah-nulth's traditional territory spans the west coast of Vancouver Island, ranging from Barkley Sound to Kyuqout Sound, including Tofino and Clayoquot Sound.

Oweekeno Nation

Following the re-engagement of the parties at the Oweekeno table in 2002, a detailed work plan has been developed that is expected to accelerate agreement-in-principle negotiations. The work plan primarily focuses on Oweekeno carrying out a detailed membership survey to ascertain whether current treaty models are workable, or if other approaches are required to conclude an agreement in principle. Oweekeno is also working with British Columbia on land use planning initiatives. The First Nation has approximately 240 members with traditional territory around the Central Coast, south of Bella Coola.

Sechelt Indian Band

It remains uncertain as to whether the Sechelt table will resume negotiations after more than two inactive years. Sechelt signed an agreement in principle in April 1999, which has since lost favour due to a lack of community support. The Treaty Commission facilitated several meetings in 2000 to determine the issues of concern. In April 2003, Sechelt submitted its conditions for resuming treaty negotiations with Canada and BC, laying out land quantum, expanded seabed and water rights, cash, aboriginal rights, taxation and certainty as key issues to be resolved. Sechelt's land protection measure expired in May 2002 and the First Nation has identified land protection as a key issue to be resolved in order to resume negotiations.

Sechelt has been self-governing since 1986 when it signed the first self-government agreement in Canada – *The Sechelt Indian Band Self-Government Act*. Sechelt, a First Nation with approximately 1,050 members, traditionally occupied and used the land and water around the Sechelt Peninsula (Sunshine Coast).

Sliammon Indian Band

On June 10, 2003 negotiators recommended an agreement in principle for approval by their principals, which includes governance provisions, $26 million, 6,000 hectares of land, in addition to reserve land totalling 1,907 hectares, resource revenue sharing and taxation provisions. Sliammon members will vote on whether the agreement in principle will form the basis for a final treaty on October 4, 2003.

In February 2001, the parties at the Sliammon table initialled an agreement in principle with the governments of Canada and BC, which included $24.4 million, 5,000 hectares of land, self-government provisions. Subsequently, the agreement failed a ratification vote. The First Nation spent considerable time in 2002 identifying and addressing the issues that concern Sliammon members.

Sliammon traditionally occupied and used the land and water around the Powell River area, including Sliammon, Powell Lake, portions of the Gulf Islands, Courtenay and the Desolation Sound area. Today the First Nation has approximately 900 members.

Snuneymuxw First Nation

The negotiators at the Snuneymexw table recommended in April 2003 that their three governments approve an agreement in principle and a governance agreement. Snuneymuxw members will vote on whether the agreement will form the basis for a final treaty later this fall. The draft agreement in principle includes $74.7 million: $38 million for land acquisition, $34.5 million in cash and $2.2 million in treaty-related measures. Snuneymuxw presently has one of the smallest reserves in Canada at 266 hectares. The agreement will provide Snuneymuxw with 5,090 hectares of land, including existing reserve land and private land purchased from a willing seller.

Snuneymuxw was the first treaty table to recommend an agreement in principle following the period of increased activity that emerged after the Treaty Commission's review of the treaty process in 2001. The Snuneymuxw table faced difficult challenges in reaching an agreement in principle as a result of the limited Crown land available in the Nanaimo area. As part of a treaty-related measure, Canada and British Columbia agreed to cost-share the purchase of a 393-hectare property known as the Kensington lands on Gabriola Island for inclusion in a potential treaty. The table has also made significant progress in its relations with local government, culminating in a Legislation Working Group Report completed in August 2002, which outlined elements of a relationship between the First Nation and the Regional District of Nanaimo. Snuneymuxw signed a treaty with the British Crown – one of 14 treaties known as the Douglas Treaties – in 1854.

Snuneymuxw's traditional territory ranges from the central Vancouver Island – including Gabriola Island, Mudge Island, and other adjacent islands – to the Nanaimo River watershed. The First Nation has approximately 1,350 members.

Squamish Nation

In 2000, treaty negotiators at the Squamish table recommended the draft Squamish Nation Framework Agreement for approval by their Principals. Since the recommendation for approval, no treaty negotiations have occurred.

Squamish received a letter from Canada in January 2003 expressing concern about lack of progress and seeking confirmation of the First Nation's treaty priorities.

Squamish has been focused on initiatives outside the treaty process, including formalizing its working relationship with the Lil'wat Nation, an agreement with BC Rail and British Columbia to co-manage the Squamish River Estuary, development and endorsement of the Squamish Nation Land Use Plan and initiatives relating to the 2010 Olympics.

Squamish's traditional territory ranges from the Lower Mainland to Howe Sound and the Squamish Valley watershed, measuring 6,732 square miles. The First Nation has approximately 3,230 members, 2,000 of whom live on Squamish Nation reserves.

Sto:lo Nation

Sto:lo received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from the table.

Prior to Sto:lo receiving the letter, the parties at the table had agreed to undertake a tripartite assessment of their positions to determine if there was sufficient common vision to resume negotiations, which had been stalled for most of the first half of 2002. The parties, with the assistance of the Treaty Commission, completed the assessment and agreed to an overall common vision for a treaty. The Sto:lo table is the only treaty negotiation table in the BC treaty process to have completed such an assessment. The tripartite assessment has been instrumental in the parties resuming substantive negotiations and developing a solid and realistic work plan.

The manner in which Sto:lo will share lands and resources and reconcile overlaps among themselves was recognized by the parties as important to the negotiations. There is a general interest in dealing with these questions early in the negotiations through an interim measures agreement or economic measures agreement that could assist

Sto:lo with the development of governance models, and identification of their land interests.

Sto:lo, a First Nation with approximately 3,600 members, traditionally occupied and used the land around the Fraser Valley, much of the Lower Mainland and the Harrison Lake watershed. The First Nation comprises 17 communities: Aitchelitz, Chawathil, Kwantlen, Kwaw-kwaw-Apilt, Lakahahmen, Matsqui, Popkum, Scowlitz, Seabird Island, Shxw'ow'hamel, Skawahlook, Skowkale, Soowahlie, Squiala, Sumas,Tzeachten, and Yakweakwioose.

Te'mexw Treaty Association

Te'mexw Treaty Association continues to deal with the challenge of addressing Douglas Treaty rights within the BC treaty process. The Douglas Treaties, signed in the 1850s by 14 Vancouver Island First Nations, included land, fishing and hunting provisions.

In June of 2002, the parties took a realistic look at their lack of progress, and recognized at the current rate, it would take up to 19 years to conclude a treaty. The parties agreed to shift gears, and over the last year and a half, significant progress has been made in the areas of culture and heritage, eligibility and enrolment, access, lands, governance, and fisheries.

A highlight in recent months has been the initiation of the land selection process, and the parties' development of a common vision on how the individual interests of the Te'mexw Treaty Association member First Nations would be structured within a collective treaty agreement. The Te'mexw Treaty Association is comprised of five communities – Beecher Bay, Malahat, Nanoose, Songhees, and Sooke – with a combined membership of approximately 1,260. The First Nation traditionally occupied and used land and water around the southern tip of Vancouver Island.

Tsawwassen First Nation

On July 28, 2003, the parties at the Tsawwassen First Nation (TFN) table initialled the first agreement in principle in the Lower Mainland – a largely urban area where available lands for treaty settlement and remaining natural resources, such as forests, are scarce. The draft agreement includes 427 hectares of land plus existing reserve land (290 hectares) and $14.2 million – $10.1 million capital transfer, $2 million for fish licences, $1 million for economic development, $1 million for culture, and $100,000 to acquire forest resources.

The agreement also includes provisions for two treaty-related measures to facilitate the identification of potential Tsawwassen artifacts and to support the development of intergovernmental relationships. Further, the agreement lays out a process in which the parties will engage with the Agricultural Land Commission to assess the prospects for excluding Tsawwassen Lands from the Agricultural Land Reserve after treaty. This is in response to TFN's stated need to provide its members with lands for community and economic development in order to become a self-sufficient and sustainable First Nation.

It is anticipated that ongoing negotiations toward a treaty will take approximately two years. Issues to be resolved include provisions for Tsawwassen governance, allocations for harvesting wildlife and migratory birds and harvest methods for commercial fisheries (which will not be part of the treaty). A ratification vote on the draft agreement in principle is planned for later this fall.

The First Nation of approximately 270 members traditionally occupied and used the land and water around Pitt Lake and the Fraser River Delta to Point Roberts and Saltspring Island.

Tsay Keh Dene Band

Canada and BC tabled a joint offer to Tsay Keh Dene on March 8, 2001, which included $5 million, 11,975 hectares of land and self-governance provisions. On April 10, 2001 Tsay Keh Dene rejected the land and cash component of the offer, but agreed to continue negotiations on other components. To begin to close the gap in visions among the parties, the table has initiated several treaty-related measures on topics such as community services development, economic development and land and resources management. New treaty tools recently agreed to by Canada, BC and the First Nations Summit may also help to re-invigorate comprehensive agreement-in-principle negotiations.

Tsay Keh's traditional territory spans north to Mount Trace, west to South Pass Peak, south to the Nation River and east to Mount Laurier. The First Nation has approximately 320 members.

Tsimshian Nation

Over the past two years, the parties at the Tsimshian table have focused on how to address the individual interests of the member Tsimshian nations. The parties' discussion on this topic greatly informed high-level dialogue among Canada, British Columbia, and the First Nations Summit, which led to new principles for implementing interim measures and other incremental treaty approaches. The table is negotiating incremental approaches for several treaty items, with the purpose of promoting and supporting relationships that would lead to treaty arrangements.

The Tsimshian Nation comprises approximately 7,200 members and seven communities – Hartley Bay Village Council, Kitasoo Band Council, Kitkatla First Nation, Kitselas Indian Band, Kitsumkalum Band, Laxkw'alaams Indian Band and Metlakatla Band. The First Nation's traditional territory spans the Northwest Coast, including Prince Rupert and Terrace.

Tsleil-Waututh Nation

Following a period of slow progress marked by divergent visions of a treaty, the parties at the Tsleil-Waututh table have increased the pace of negotiations and are committed to achieving an agreement in principle. Land issues have dominated negotiations with Tsleil-Waututh Nation over the past year.

Three interim measures were initiated in February 2002 including an assessment of eco-tourism and eco-forestry opportunities, an assessment of a joint venture opportunity for renovating and renting a commercial heritage building in downtown Vancouver and an assessment of a joint venture opportunity to develop a marine eco-tourism business at Canada Place in Vancouver.

Tsleil-Waututh signed a non-binding protocol agreement with the District of North Vancouver to protect archaeological resources in Cates Park, and has formal agreements with the Ministry of Forests, the Ministry of Water, Land and Air Protection and the District of North Vancouver on various resource uses in specific parks and other sites in its traditional territory.

Tsleil-Waututh traditionally occupied and used the land and waters around North Vancouver and the Lower Mainland. The First Nation has approximately 380 members.

Westbank First Nation
Westbank First Nation focused most of its efforts this year on a landmark self-government agreement, which was ratified May 25, 2003. Westbank began bilateral self-government negotiations with Canada in 1990 and signed a self government agreement in principle in July 1998.

The parties to the Westbank negotiations confirmed their commitment to treaty negotiations and expect to increase the pace of discussions once the self-government agreement takes effect. On September 23, 2002, the Westbank First Nation and the Ministry of Forests signed a forestry interim measures agreement. Under the agreement, the Westbank First Nation will be allowed to apply for a community forest pilot agreement that would provide the band with up to 55,000 cubic metres of timber per year.

Westbank received a letter from Canada in January 2003 expressing concern about lack of progress and seeking confirmation of the First Nation's treaty priorities.

Located in the Kelowna area, Westbank has approximately 590 members.

Wet'suwet'en Nation
The parties at the Wet'suwet'en table have been engaged for several months in exploring an incremental approach to negotiating a treaty, with a view to establishing a framework and work plan. The parties continue to be guided by the April 2000 political accord committing Canada, BC and Wet'suwet'en to work together on land, resource and economic development issues. The Wet'suwet'en and BC have also had an ongoing bilateral relationship through the Accord of Recognition, Respect and Reconciliation, which was signed in 1994.

The Economic Initiatives Committee, which is working on economic initiatives in the lands and resource sectors, is composed of Wet'suwet'en forest industry representatives and the governments of Canada and British Columbia.

Wet'suwet'en traditionally occupied and used the Bulkley River drainage area in northwest BC. The First Nation includes Hagwilget Village Council and Moricetown Band and has approximately 2,450 members.

Winalagalis Treaty Group
The parties at the Winalagalis Treaty Group table have made significant progress toward concluding an agreement in principle this year. In particular, Winalagalis Treaty Group members Kwakiutl Nation, 'Namgis Nation, Da'naxda'xw Awaetlatla Nation, Gwa'Sala-'Nakwaxda'xw Nation and Tlatlasikwala Nation have developed a comprehensive long-term work plan with Canada and BC, which lays out the topics and approach for concluding an agreement in principle. Following development of the work plan, the parties have made progress in several areas, including dispute resolution, eligibility and enrolment, agreement-in-principle approval, final agreement ratification and forest resources.

Winalagalis Treaty Group member Quatsino First Nation received a letter from Canada in January 2003 expressing concern about lack of progress and indicating that Canada might disengage from negotiations with Quatsino. The parties were expected to sign the Quatsino Framework Agreement, setting the stage for moving Quatsino into Stage 4 agreement-in-principle negotiations with the rest of the Winalagalis Treaty Group.

The member First Nations of the Winalagalis Treaty Group traditionally occupied and used the land and water around the north end of Vancouver Island and the Knight Inlet area. The First Nation has approximately 3,000 members.

Yale First Nation

Negotiations at the Yale First Nation table are moving at an intense pace with a target of early 2004 for achieving an agreement in principle. Land and fisheries continue to be important areas of focus at this table.

In July 2003, Yale completed a governance interim measures agreement to assist in developing a self-government model that integrates traditional and contemporary governance concepts and to explore governance options for a smaller First Nation.

In July 2002 the Yale First Nation, British Columbia and Canada signed a land protection agreement to set aside 181 hectares of land for inclusion in a potential treaty. The land is important to Yale's cultural heritage and of significant economic value. Yale is currently exploring business opportunities with third parties on these lands.

Yale traditionally occupied and used the land around Yale, north of Hope. The First Nation has approximately 140 members.

Yeekoche

The parties at the Yekooche table have developed a strong relationship, culminating this year in the development of a tripartite work plan to conclude agreement-in-principle negotiations by early 2004. To facilitate agreement in principle and final agreement implementation, Yekooche has also begun the process of negotiating agreements with neighboring First Nations to resolve areas of overlap within their traditional territory.

Yekooche, a First Nation with approximately 170 members, traditionally occupied and used the land and water around Fort St. James.

Please note: Population numbers for First Nations are derived from many sources. Ultimately, individual eligibility for treaty benefits will be determined through tripartite negotiations.

First Nations in the Treaty Process

There are now 53 First Nations participating in the BC treaty process. Because some First Nations negotiate at a common table, there are 42 sets of negotiations underway. The treaty process is voluntary and open to all First Nations in BC.

There are 42 First Nations in Stage 4 agreement-in-principle negotiations and two First Nations in Stage 5 negotiations to finalize a treaty.

5 First Nations in Stage 2
Acho Dene Koe First Nation
Council of the Haida Nation
Hupacasath First Nation

Kaska Nation Members
Liard First Nation
Ross River Dena Council

4 First Nations in Stage 3
Cheslatta Carrier Nation
Musqueam Nation
Quatsino First Nation (member Winalagalis Treaty Group)
Squamish Nation

42 First Nations in Stage 4
Ditidaht First Nation and Pacheedaht Band
Cariboo Tribal Council
Carrier Sekani Tribal Council
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Haisla Nation
Heiltsuk Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
In-SHUCK-ch Council
Kaska Dena Council (member Kaska Nation)
Katzie Indian Band
Klahoose Indian Band
Ktunaxa/Kinbasket Treaty Council
Laich-Kwil-Tach K'omoks Tlowitsis Council of Chiefs
Lake Babine Nation
Nazko Indian Band

Northern Regional Negotiation Table Members
Carcross / Tagish First Nation
Champagne and Aishihik First Nations
Taku River Tlingit First Nation
Teslin Tlingit Council

Nuu-chah-nulth Tribal Council
Oweekeno Nation
Sliammon Indian Band
Snuneymuxw First Nation
Sto:lo Nation
Te'Mexw Treaty Association
Tsawwassen First Nation
Tsay Keh Dene Band
Tsimshian Nation
Tsleil-Waututh Nation
Westbank First Nation
Wet'suwet'en Nation

Winalagalis Treaty Group Members
Kwakiutl Nation
'Namgis Nation
Da'naxda'xw Awaetlatla Nation
Gwa'Sala-'Nakwaxda'xw Nation
Tlatlasikwala Nation

Yale First Nation
Yekooche Nation

2 First Nations in Stage 5
Lheidli T'enneh Band
Sechelt Indian Band

About the Treaty Commision

The Three Roles

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. The Treaty Commission does not negotiate treaties – that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission and the six-stage treaty process were designed to advance negotiations and facilitate fair and durable treaties. The process is voluntary and open to all First Nations in BC.

As the independent keeper of the BC treaty process, the Treaty Commission carries out three complementary roles: facilitation, funding and public information and education.

Report on Facilitation

The Treaty Commission's primary role is to oversee the negotiation process and ensure that parties are being effective and making progress in negotiations. In carrying out this role, the Treaty Commission:

- Accepts First Nations into the treaty process and assesses when the parties are ready to negotiate;
- Monitors and reports on the progress of negotiations and encourages timely negotiations by helping the parties to establish meeting schedules and by monitoring deadlines;
- Offers advice and chairs key meetings at treaty tables, when requested;
- Assists the parties in developing solutions and in resolving disputes;
- Facilitates and coordinates high level talks among the Principals and helps to identify priority issues and opportunities; and
- Develops policies and procedures for the six-stage treaty process.

The Treaty Commission's 2001 Review of the BC Treaty Process urged the parties to intensify high level talks on linchpin issues impeding progress at all treaty tables. Those recommendations were the starting point for discussions among the ministers for Canada and BC, First Nations Summit leaders, their senior officials and the Treaty Commission that continued throughout 2002. The Principals met again in June 2003 to continue these discussions, and to accept the final report of the Fiscal Relations Working Group. This working group was established in September 2000 to serve as a forum for high level discussion of fiscal interests, issues and options for structuring post-treaty fiscal relationships. The final report is available from the Treaty Commission.

As noted in the progress reports, the Treaty Commission also spent considerable time and resources on facilitation to move negotiations forward at a number of treaty tables.

Report on Funding

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out negotiations on a more even footing with the governments of Canada and BC. For every $100 of negotiation support funding, $80 is a loan from Canada, $12 is contribution from Canada and $8 is a contribution from BC.

The Treaty Commission's funding duties include:

- Requesting a total Negotiation Support Funding budget from the governments of Canada and BC;
- Receiving and considering funding requests from First Nations;
- Obtaining confirmation of community approval for a funding request;
- Allocating funds to First Nations in accordance with funding criteria agreed to by the Principals;
- Approving the budgets filed by First Nations in support of their work plans;
- Reviewing annual audit reports and other accounting reports from First Nations that receive negotiation support funding; and

Since opening its doors in May 1993 the Treaty Commission has allocated approximately $255 million in negotiation support funding to more than 50 First Nations – $204 million in the form of loans and $51 million in the form of contributions.

Report on Public Information and Education

As 'the independent voice of treaty making in British Columbia', the Treaty Commission is uniquely positioned to analyze and demystify complex treaty issues. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations – Canada, BC and First Nations – provide specific information on their negotiations.

On-going Communications Commitments

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997. To reach audiences throughout BC, the Treaty Commission produces a variety of communications tools, including a web site, www.bctreaty.net, annual reports, newsletters, special publications, videos and television documentaries. Commissioners regularly deliver presentations to special events, community forums, business organizations, schools and post-secondary institutions.

In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting public information efforts by individual treaty tables. To assist with these efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

New travelling displays

This year, the Treaty Commission designed two new travelling displays to pique public interest in the treaty process and provide an overview of advanced agreement-in-principle negotiations with Snuneymuxw First Nation (Nanaimo), Sliammon Indian Band (Powell River), Tsawwassen First Nation (South Delta) and Lheidli T'enneh Band (Prince George). Each display hosts the Treaty Commission's web site so that visitors can access a plethora of information on the treaty process. So far, the displays have stopped at various venues in Delta – including the city hall – and Nanaimo. To inquire about booking the display for your venue, please email info@bctreaty.net or call 800 665 8330.

Web site re-launched

Responding to a demand for a one-stop shop for treaty information, in April the Treaty Commission re-launched www.bctreaty.net. The site, continuously updated with new information, now includes:

- An enhanced newsroom section;
- New video presentations;
- More information on the issues in negotiations;
- Quick Facts on the treaty process;
- An expanded classroom section with resources for high school and elementary school teachers; and
- An easy-to-navigate directory of resources.

In addition to the periodic *Update* newsletter, the Treaty Commission now distributes an email newsletter highlighting recent progress in

negotiations and information related to the treaty process. Interested parties may sign up for the e-newsletter at www.bctreaty.net.

The Treaty Commission's web site, first launched in June 1997, has grown rapidly – both in the number of pages it hosts (approximately 900) and the number of visitors per month. Since the site was re-launched, www.bctreaty.net has averaged approximately 7,000 unique site visits per month.

Teaching Tools

In Fall 2000 the Treaty Commission provided the *What's the Deal with Treaties?* educational kit to Social Studies 10 and First Nations 12 classes across BC. A second edition was produced last year to accommodate demand, and a third edition will be available this fall. The handbook and video are also available online.

Last year the Treaty Commission worked with accomplished aboriginal author Diane Silvey and Pacific Edge Publishing to expand the Social Studies 4 Teachers Guide, *From Time Immemorial: the First People of the Pacific Northwest Coast* to include lesson plans and background information on treaty making and self government. In October 2002, one copy of the guide was provided to every elementary school in the province. Additional copies of the guide may be purchased from Pacific Edge Publishing.

Conference Planned with Business Focus

The Treaty Commission will host BC business – along with governments, including First Nations – at a one-day conference in Vancouver which will focus on opening the door to new economic opportunities.

The conference, *"Venturing into a post-treaty world"*, will challenge participants to envision British Columbia's future with treaties and uncover new ways to develop economic opportunities with First Nations.

Last year's conference, part of the *Speaking Truth to Power* series, focused on articulating new ideas and opportunities for self government. Various perspectives from that conference are captured in the *Speaking Truth to Power III* book.

Operating Budget

The Treaty Commission's operating budget for 2002/3 was $2.2 million and its total operating costs from 1993 to March 31, 2003 were $20,037,000. In addition to the four part-time commissioners and the full-time chief commissioner, the Treaty Commission employs 13 staff. Funding for administering the treaty process and settlement costs are borne jointly by the federal and provincial governments. The Government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC Government contributes 40 per cent.

Canada is responsible for 72 per cent of the total cost of treaties and the BC Government is responsible for 28 per cent.

Review of the Treaty Commission underway

A review of the Treaty Commission is currently underway. The agreement that established the Treaty Commission calls for a review at least once every three years. In the 2001 Review of the BC Treaty Process, the Treaty Commission called for the Principals to conduct a review, as none had been done since the Treaty Commission was established.

Reviewers are interviewing commissioners and staff, and representatives of the governments of Canada, British Columbia, First Nations, the First Nations Summit and others.

Treaty Commissioners

The First Nations Summit appoints two commissioners and the federal and provincial governments appoint one each to serve two-year terms. The chief commissioner is appointed to a three-year term by agreement of the three principals.

Miles Richardson was appointed chief commissioner in November 1998 and reappointed in November 2001. Prior to this appointment, Richardson served three years as First Nations Summit appointee to the Treaty Commission. Richardson served on the First Nations Summit Task Group from 1991 to 1993 and the BC Claims Task Force. He holds a Bachelor of Arts (1979) from the University of Victoria.

Wilf Adam was re-elected commissioner by the First Nations Summit in March 2003 to serve a fifth consecutive term. Former Chief Councillor of the Lake Babine Band and chair of the Burns Lake Native Development Corporation, Adam co-founded the Burns Lake Law Centre. In 1985, he completed a course in Business Management at the College of New Caledonia in Prince George.

Jack Weisgerber was appointed to the Treaty Commission in March 2002 by the Government of British Columbia. Weisgerber represented Peace River South in the BC Legislature for 15 years from 1986 to 2001. He became BC's first Minister of Aboriginal Affairs in 1988, and in 1991 he was appointed Minister of Energy, Mines and Petroleum Resources. His leadership was a key factor in the formation of the BC Claims Task Force.

Jody Wilson was appointed commissioner in March 2003 by the First Nations Summit. Raised in the Comox Valley, Wilson is a member of the We Wai Kai First Nation of the Laich-Kwil-Tach K'omoks Tlowitsis Council of Chiefs. Prior to this post, Wilson worked for nine months as an treaty advisor at the BC Treaty Commission and two years as a Provincial Crown Prosecutor. She holds a Bachelor of Laws from the University of British Columbia (1999) and a Bachelor of Arts in Political Science and History from the University of Victoria (1996). Wilson has been an active member of the BC Bar since 2000.

Michael Harcourt was appointed to the Treaty Commission by the Government of Canada in May 2003. Harcourt served as British Columbia's premier from 1991 to 1996 and as mayor of Vancouver for three terms from 1980 to 1986. His commitment to the treaty process is long-standing; as premier in 1992 Harcourt signed the agreement establishing the Treaty Commission. He currently serves on the Executive Committee of the National Round table on the Environment and Economy and as director of the Vancouver International Airport and the Vancouver Port Authority.

Departures

Peter Lusztig departed the Treaty Commission in April 2003 having served for eight years and four consecutive terms. The insight that he offered as an established member of the BC academic and business communities was an invaluable asset to the Treaty Commission.

Debra Hanuse resumed her law practice after serving three terms as commissioner of the BC Treaty Commission. Hanuse served on the communications and funding committees and led the Treaty Commission's efforts to promote a voice for aboriginal women in the treaty process.

The question of treaties is no longer why, but when.

Regional visioning project

Some aboriginal and non-aboriginal neighbours have expressed a common interest in developing a regional vision of what their communities might look like in a post-treaty world. The Treaty Commission, through funding provided this year by Canada and BC, was able to support that interest and act as a catalyst for regional visioning forums in five different areas of the province.

Katzie First Nation extended its hand of friendship to approximately 40 people at an intensive three-day leadership summit held in Maple Ridge BC – *Connecting the Pieces: Leaders in Action*. Action plans formed during the summit addressed forestry, tourism, small business, youth projects and local government.

The Cariboo Tribal Council, working with its neighbours, organized four separate regional visioning forums to reach new understandings on tourism, land and resources and wildlife management.

Rancher George Atamanenko, a former treaty advisory committee member and Cariboo Regional Visioning organizing committee member, told the 100 Mile House Free Press that the main emphasis was on coming together.

Winalagalis member First Nations co-hosted a regional visioning workshop in Port Hardy with Mount Waddington Regional District to address local government issues, First Nations culture and history, and treaty negotiations. Working in groups, participants tackled tourism, regional planning and consultation. Planned is a coordinated effort in tourism as well as forums to harmonize governance and develop an approach to consultation.

Treaty Coordinator Nicole McLelland, in the Winalagalis Treaty Group's report to the Treaty Commission, wrote, "We are excited about the regional planning strategy and partnerships that have evolved out of our first regional visioning forum and we are looking forward to expanding our focus and to exploring possible partnerships with our non-aboriginal neighbours in the North Island."

Regional visioning funding also helped 15 northern First Nations gather for a leadership summit on regional issues in Whitehorse, and to address wildlife issues at a forum in Atlin.

"Both of our communities, aboriginal and non-aboriginal, live here and want to be here. It's all part of community building."

George Atamanenko, Rancher and member of the Cariboo Regional Visioning Organizing Committee

While many women are caught up in the day-to-day issues in their communities – and often feel shut out of the treaty process – negotiations are continuing.

Talking circles project

"I don't know much about the treaty process or land claims process either ... The social issues are so overwhelming that it's hard to focus ... there's women here now who have a sense of safety, a sense of strength ... and it's in this group that women are finding their voice."

These excerpts from a discussion among Kaska women in Watson Lake, Yukon – a transboundary First Nation – goes to the heart of why the Treaty Commission initiated the Talking Circles Project to promote a voice for aboriginal women in the treaty process. While many women are caught up in the day-to-day issues in their communities – and often feel shut out of the treaty process – negotiations are continuing.

Identifying a lack of women's representation at treaty tables, in 1999 the Treaty Commission organized a focus group of aboriginal women to gather their perspectives on the treaty process and to identify appropriate communications tools to reach women. Women participating in a focus group expressed concerns that treaty making is a male-dominated process, focusing on issues such as land and resources, rather than on issues of prime concern to aboriginal women, such as health care and child welfare. The women urged the Treaty Commission to consider producing visual communication tools, such as video, to reach women more effectively than traditional print publications.

Responding to this suggestion, the Treaty Commission approached the Ktunaxa Nation to see if they would be willing to participate in a pilot talking circle within their traditional territory in Cranbrook. Their discussion, captured on film, allowed the Treaty Commission to put a human face to the project in seeking funding partners. In March 2003, Status of Women Canada provided $50,000 and the Ministry of Community Aboriginal and Women's Services provided $25,000 to the Treaty Commission to set the project in motion.

To ensure aboriginal women drive the project, a steering committee made up of a diverse group of aboriginal women was struck. After a series of discussions fleshing out the project, the committee agreed the completed video should include talking circles with women of a rural First Nation, a remote First Nation, an urban First Nation and women living in an urban area. In addition, the group of women participating in the talking circle should be as diverse as possible to capture a realistic range of perspectives.

Talking circles have now been convened with Ktunaxa women in Cranbrook, Gitxsan women in Hazelton and Kaska women in Watson Lake, Yukon. Upcoming this fall is a talking circle involving urban aboriginal women in Vancouver and one involving women of the Tsleil Waututh Nation.

The finished video – anticipated for completion later this fall – will be used as a tool to stimulate discussion among other aboriginal women in BC.

For details on the six-stage treaty process
and recommended resources, see our website.

BC TREATY COMMISSION

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Merging past and present, the Treaty Commission symbol represents the three Principals in modern-day treaty making – the goverenments of Canada and British Columbia and First Nations. Pointing in an upward and forward direction, the symbol implies a "coming together" pivotal to successful negotiations and treaty making.